

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 14-574V

Filed: November 19, 2014

LINDA COTHERN,

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Petitioner,

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v.

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Attorney Fees and Costs; Stipulation

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SECRETARY OF HEALTH AND
HUMAN SERVICES,

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Respondent.

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Maximillian Muller, Esq., Muller Brazil, LLP, Philadelphia, PA, for petitioner.

Althea Davis, Esq., U.S. Department of Justice, Washington, DC, for respondent.

DECISION ON ATTORNEY FEES AND COSTS¹

Vowell, Chief Special Master:

On July 7, 2014, Linda Cothorn filed a petition for compensation under the National Vaccine Injury Compensation Program,² [the “Vaccine Act” or “Program”]. Petitioner alleged that she suffered a shoulder injury which was caused by the influenza vaccine she received on September 26, 2013. Petition at 1. On October 21, 2014, I issued a decision awarding compensation to petitioner based on the parties’ stipulation.

On November 19, 2014, the parties filed a Stipulation of Fact Concerning Attorneys’ Fees and Costs. According to the stipulation, the parties agree upon a total award of attorneys’ fees and costs to petitioner in the amount of \$15,000.00. In accordance with General Order #9, petitioner’s counsel represents that petitioner incurred no out-of-pocket expenses.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioners have 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

The Vaccine Act permits an award of reasonable attorneys' fees and costs. 42 U.S.C. § 300 aa-15(e). I find the proposed amount to be reasonable.

Accordingly, I award the total \$15,000.00³ as a lump sum in the form of a check jointly payable to petitioner and petitioner's counsel Maximillian Muller.

The clerk of the court shall enter judgment in accordance herewith.⁴

IT IS SO ORDERED.

s/Denise K. Vowell
Denise K. Vowell
Chief Special Master

³ This amount is intended to cover all legal expenses incurred in this matter. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C. § 300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. See *generally Beck v. Sec'y, HHS*, 924 F.2d 1029 (Fed. Cir.1991).

⁴ Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. See Vaccine Rule 11(a).